

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER, ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

**PLAINTIFFS' IDENTIFICATION OF OUTSTANDING
DISCOVERY DISPUTES PER APRIL 5, 2022 ORDER**

Per the Court's April 5, 2022 Order (Dkt. 1359), Plaintiffs jointly submit the completed checklist attached as Appendix A. Plaintiffs also respectfully request the Court's immediate assistance resolving two additional discovery disputes in advance of Plaintiffs' response to any summary judgment motion filed by Defendants:

1. The first additional dispute is reflected in the Joint Discovery Statement regarding Coffee County Election Records filed on April 6, 2022 (Dkt. 1360). The anticipated dispute was raised in the Joint Filing Regarding Discovery. (Dkt. 1340 at 7.)

2. The second additional dispute arises from the refusal of Defendants Ed Lindsey and Jan Johnston to produce any documents, answer any discovery requests, or appear for deposition. Defendants Lindsey and Johnston are new members of

Georgia's State Election Board (SEB), replacing prior SEB members Anh Le and Matthew Mashburn. Although Mr. Lindsey and Ms. Johnston acknowledge that "a public officer's successor is automatically substituted as a party" in this case and thus they are now parties to this lawsuit, they refuse to comply with any discovery obligations and have provided no authority for their position that parties to litigation can entirely evade discovery. When Plaintiffs requested such authority, their counsel responded: "[I]f you want to raise this with the Court, please go ahead."

Respectfully submitted this 7th day of April, 2022.

/s/ David D. Cross

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APPENDIX A

Discovery Dispute	Whether the dispute has been resolved:	Whether the dispute requires resolution before MSJ filings:
The State Defendants' and the Plaintiffs' dispute regarding the adequacy of the State's 30(b)(6) witnesses' deposition testimony	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
The State Defendants' and the Plaintiffs' dispute regarding the State's production of certain investigative files	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
The State Defendants' and the Plaintiffs' dispute regarding a 30(b)(6) deposition of Fortalice	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
The State Defendants' and the Plaintiffs' dispute regarding depositions of Secretary of State Raffensperger and Deputy Secretary Fuchs	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
The State Defendants' and the Coalition Plaintiffs' dispute regarding Dekalb and Fulton Counties' election records	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
The Fulton County Defendants' and the Coalition Plaintiffs' dispute regarding the inspection of certain original paper ballots	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
The State Defendants' and the Coalition Plaintiffs' dispute regarding the 30(b)(6) deposition of the Coalition	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
The State Defendants' and the Coalition Plaintiffs' deposition dispute regarding the Coalition's associational standing witnesses	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
The State Defendants' request for discovery related to Dr. Halderman's methods	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Dr. Stark's Amended Expert
Report

Yes ☐
No ☒

Yes ☒
No ☐

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

/s/ David D. Cross
David D. Cross

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CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2022, a copy of the foregoing **PLAINTIFFS' IDENTIFICATION OF OUTSTANDING DISCOVERY DISPUTES PER APRIL 5, 2022 ORDER** was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ David D. Cross
David D. Cross